

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2174

AN ACT

AMENDING SECTIONS 28-601 AND 28-627, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-654; RELATING TO PHOTO ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-601, Arizona Revised Statutes, is amended to
3 read:

4 28-601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Commercial motor vehicle" means a motor vehicle or combination of
7 motor vehicles used to transport passengers or property if the motor vehicle
8 either:

9 (a) Has a gross combined weight rating of twenty-six thousand one or
10 more pounds inclusive of a towed unit with a gross vehicle weight rating of
11 more than ten thousand pounds.

12 (b) Has a gross vehicle weight rating of twenty-six thousand one or
13 more pounds.

14 (c) Is a school bus.

15 (d) Is a bus.

16 (e) Is used in the transportation of materials found to be hazardous
17 for the purposes of the hazardous materials transportation act (49 United
18 States Code sections 5101 through 5127) and is required to be placarded under
19 49 Code of Federal Regulations section 172.504, as adopted by the department
20 pursuant to chapter 14 of this title.

21 2. "Controlled access highway" means a highway, street or roadway to
22 or from which owners or occupants of abutting lands and other persons have no
23 legal right of access except at such points only and in the manner determined
24 by the public authority that has jurisdiction over the highway, street or
25 roadway.

26 3. "Crosswalk" means:

27 (a) That part of a roadway at an intersection included within the
28 prolongations or connections of the lateral lines of the sidewalks on
29 opposite sides of the highway measured from the curbs or, in absence of
30 curbs, from the edges of the traversable roadway.

31 (b) Any portion of a roadway at an intersection or elsewhere that is
32 distinctly indicated for pedestrian crossing by lines or other markings on
33 the surface.

34 4. "Explosives" means any chemical compound, mixture or device that is
35 commonly used or intended for the purpose of producing an explosion and that
36 is defined in 49 Code of Federal Regulations part 173.

37 5. "Flammable liquid" means any liquid that has a flash point of less
38 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
39 Regulations section 173.120.

40 6. "Gross weight" means the weight of a vehicle without a load plus
41 the weight of any load on the vehicle.

42 7. "Intersection" means the area embraced within the prolongation or
43 connection of the lateral curb lines, or if none, the lateral boundary lines
44 of the roadways of two highways that join one another at, or approximately
45 at, right angles, or the area within which vehicles traveling on different

1 highways joining at any other angle may come in conflict. If a highway
2 includes two roadways thirty or more feet apart, each crossing of each
3 roadway of the divided highway by an intersecting highway is a separate
4 intersection. If the intersecting highway also includes two roadways thirty
5 or more feet apart, each crossing of two roadways of the highways is a
6 separate intersection.

7 8. "License" means any license, temporary instruction permit or
8 temporary license issued under the laws of this state or any other state that
9 pertain to the licensing of persons to operate motor vehicles.

10 9. "Motorized wheelchair" means any self-propelled wheelchair that is
11 used by a person for mobility.

12 10. "Official traffic control device" means any sign, signal, marking
13 or device that is not inconsistent with this chapter and that is placed or
14 erected by authority of a public body or official having jurisdiction for the
15 purpose of regulating, warning or guiding traffic.

16 11. "Park", if prohibited, means the standing of a vehicle, whether
17 occupied or not, otherwise than temporarily for the purpose of and while
18 actually engaged in loading or unloading.

19 12. "PHOTO ENFORCEMENT SYSTEM" MEANS A DEVICE SUBSTANTIALLY CONSISTING
20 OF A RADAR UNIT OR SENSOR LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT
21 PRODUCES ONE OR MORE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES OR DIGITAL OR
22 OTHER RECORDED IMAGES OF A VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF
23 IDENTIFYING VIOLATORS OF ARTICLES 3 AND 6 OF THIS CHAPTER.

24 ~~12.~~ 13. "Pneumatic tire" means a tire in which compressed air is
25 designed to support the load.

26 ~~13.~~ 14. "Pole trailer" means a vehicle that is all of the following:

27 (a) Without motive power.

28 (b) Designed to be drawn by another vehicle and attached to the towing
29 vehicle by means of a reach or pole or by being boomed or otherwise secured
30 to the towing vehicle.

31 (c) Used ordinarily for transporting long or irregularly shaped loads
32 such as poles, pipes or structural members capable generally of sustaining
33 themselves as beams between the supporting connections.

34 ~~14.~~ 15. "Police officer" means an officer authorized to direct or
35 regulate traffic or make arrests for violations of traffic rules or other
36 offenses.

37 ~~15.~~ 16. "Private road or driveway" means a way or place that is in
38 private ownership and that is used for vehicular travel by the owner and
39 those persons who have express or implied permission from the owner but not
40 by other persons.

41 ~~16.~~ 17. "Railroad" means a carrier of persons or property on cars
42 operated on stationary rails.

43 ~~17.~~ 18. "Railroad sign or signal" means a sign, signal or device
44 erected by authority of a public body or official or by a railroad and

1 intended to give notice of the presence of railroad tracks or the approach of
2 a railroad train.

3 ~~18-~~ 19. "Railroad train" means a steam engine or any electric or other
4 motor that is with or without cars coupled to the steam engine or electric or
5 other motor and that is operated on rails.

6 ~~19-~~ 20. "Roadway" means that portion of a highway that is improved,
7 designed or ordinarily used for vehicular travel, exclusive of the berm or
8 shoulder. If a highway includes two or more separate roadways, roadway refers
9 to any such roadway separately but not to all such roadways collectively.

10 ~~20-~~ 21. "Safety zone" means the area or space that is both:

11 (a) Officially set apart within a roadway for the exclusive use of
12 pedestrians.

13 (b) Protected or either marked or indicated by adequate signs as to be
14 plainly visible at all times while set apart as a safety zone.

15 ~~21-~~ 22. "Sidewalk" means that portion of a street that is between the
16 curb lines or the lateral lines of a roadway and the adjacent property lines
17 and that is intended for the use of pedestrians.

18 ~~22-~~ 23. "Solid tire" means a tire that both:

19 (a) Is made of rubber or other resilient material.

20 (b) Does not depend on compressed air for the support of the load.

21 ~~23-~~ 24. "Stop", if required, means complete cessation from movement.

22 ~~24-~~ 25. "Stop, stopping or standing", if prohibited, means any
23 stopping or standing of an occupied or unoccupied vehicle, except when
24 necessary to avoid conflict with other traffic or in compliance with
25 directions of a police officer or traffic control sign or signal.

26 ~~25-~~ 26. "Through highway" means a highway or portion of a highway at
27 the entrances to which vehicular traffic from intersecting highways is
28 required by law to stop before entering or crossing and when stop signs are
29 erected as provided in this chapter.

30 ~~26-~~ 27. "Traffic" means pedestrians, ridden or herded animals,
31 vehicles and other conveyances either singly or together while using a
32 highway for purposes of travel.

33 ~~27-~~ 28. "Traffic control signal" means a device, whether manually,
34 electrically or mechanically operated, by which traffic is alternately
35 directed to stop and to proceed.

36 ~~28-~~ 29. "Truck" means a motor vehicle that is designed, used or
37 maintained primarily for the transportation of property.

38 Sec. 2. Section 28-627, Arizona Revised Statutes, is amended to read:

39 28-627. Powers of local authorities

40 A. This chapter and chapters 4 and 5 of this title do not prohibit a
41 local authority, with respect to streets and highways under its jurisdiction
42 and within the reasonable exercise of the police power, from:

43 1. Regulating the standing or parking of vehicles.

- 1 2. Regulating traffic by means of police officers, traffic control
2 signals or volunteer posse organization members authorized by the sheriff
3 under section 11-441 for the purpose of directing traffic only.
- 4 3. Regulating or prohibiting processions or assemblages on the
5 highways.
- 6 4. Designating particular highways as one-way highways and requiring
7 that all vehicles on one-way highways be moved in one specific direction.
- 8 5. Regulating the speed of vehicles in public parks.
- 9 6. Designating any highway as a through highway and requiring that all
10 vehicles stop before entering or crossing the highway or designating any
11 intersection as a stop intersection and requiring all vehicles to stop at one
12 or more entrances to the intersection.
- 13 7. Restricting the use of highways as authorized in section 28-1106.
- 14 8. Regulating the operation of bicycles and requiring the registration
15 and licensing of bicycles, including the requirement of a registration fee.
- 16 9. Regulating or prohibiting the turning of vehicles or specified
17 types of vehicles at intersections.
- 18 10. Altering the prima facie speed limits as authorized by this
19 chapter.
- 20 11. Designating routes over streets and highways for vehicles not
21 exceeding one hundred two inches in width, exclusive of safety equipment.
- 22 12. Adopting other traffic regulations that are specifically authorized
23 by this chapter or chapter 4 or 5 of this title.
- 24 13. Designating routes on certain streets and highways for the purpose
25 of allowing off-highway vehicle operators to gain access to or from a
26 designated off-highway recreation facility as defined in section 28-1171,
27 off-highway vehicle trail as defined in section 28-1171 or off-highway
28 vehicle special event as defined in section 28-1171.
- 29 B. A local authority shall not erect or maintain a stop sign or
30 traffic control signal at any location that requires the traffic on any state
31 highway to stop before entering or crossing any intersecting highway unless
32 approval in writing has first been obtained from the director.
- 33 C. An ordinance or regulation enacted under subsection A, paragraph 4,
34 5, 6, 7, 9 or 10 of this section is not effective until signs giving notice
35 of the local traffic regulations are posted on or at the entrances to the
36 highway or part of the highway affected as is most appropriate.
- 37 D. The definition of motor vehicle prescribed in section 28-101 does
38 not prevent a local authority from adopting ordinances that regulate or
39 prohibit the operation of motorized skateboards, except that a local
40 authority shall not adopt an ordinance that requires registration and
41 licensing of motorized skateboards. For the purposes of this subsection,
42 "motorized skateboard" means a self-propelled device that has a motor, a deck
43 on which a person may ride and at least two tandem wheels in contact with the
44 ground.

1 E. In addition to the appointment of peace officers, a local authority
2 may provide by ordinance for the appointment of:

3 1. Unarmed police aides who are employed by the police department and
4 who are empowered to commence an action or proceeding before a court or judge
5 for a violation of the local authority's ordinances regulating the standing
6 or parking of vehicles. The authority of the unarmed police aide as
7 authorized in this section is limited to the enforcement of the ordinances of
8 local authorities regulating the standing or parking of vehicles. Pursuant
9 to rules established by the supreme court, an unarmed police aide appointed
10 pursuant to this paragraph may serve any process originating out of a
11 municipal court in the municipality in which the unarmed police aide is
12 employed. Service of process under this paragraph shall only be made during
13 the hours the municipal court is open for the transaction of business and
14 only on court premises. This paragraph does not grant to unarmed police
15 aides other powers or benefits to which peace officers of this state are
16 entitled.

17 2. Traffic investigators who may:

18 (a) Investigate traffic accidents within the jurisdiction of the local
19 authority.

20 (b) Commence an action or proceeding before a court or judge for any
21 violation of a state statute or local ordinance relating to traffic, if the
22 violation is related to a traffic accident within the jurisdiction of the
23 local authority.

24 (c) Pursuant to rules established by the supreme court, serve any
25 process originating out of a municipal court in the municipality in which the
26 traffic investigator is employed. Service of process under, ~~paragraph 1~~ of
27 this subsection shall only be made during the hours the municipal court is
28 open for the transaction of business and only on court premises.

29 F. A traffic investigator appointed pursuant to this section shall:

30 1. Be unarmed at all times during the course of the traffic
31 investigator's duties.

32 2. Be an employee of the appointing local authority.

33 3. File written reports as required pursuant to section 28-667.

34 G. Notwithstanding subsection E of this section, an unarmed police
35 aide or a traffic investigator shall not serve any process resulting from a
36 citation issued for a violation of ~~section 28-644 or 28-701~~ ARTICLE 3 OR 6 OF
37 THIS CHAPTER or of a city or town ordinance for excessive speed or failure to
38 obey a traffic control device that is obtained using ~~automated enforcement~~
39 ~~technology~~ A PHOTO ENFORCEMENT SYSTEM.

40 H. This section does not grant other powers or benefits to traffic
41 investigators to which peace officers of this state are entitled.

42 I. Pursuant to section 28-1092, a local authority shall provide
43 reasonable access to and from terminals and service facilities on highways
44 under its jurisdiction.

1 ~~J. For the purposes of this section, "automated enforcement~~
2 ~~technology" means a camera or similar device used to detect a vehicle driving~~
3 ~~through an intersection on a red light or a device that detects excessive~~
4 ~~vehicle speed that triggers a camera to take a photograph.~~

5 Sec. 3. Title 28, chapter 3, article 3, Arizona Revised Statutes, is
6 amended by adding section 28-654, to read:

7 28-654. Photo enforcement zones; signage; standards; citation
8 dismissal

9 A. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, EVERY LOCAL
10 AUTHORITY OR AGENCY OF THIS STATE USING A PHOTO ENFORCEMENT SYSTEM SHALL
11 ADOPT STANDARDS AND SPECIFICATIONS THAT INDICATE TO A PERSON OPERATING A
12 MOTOR VEHICLE THAT A PHOTO ENFORCEMENT SYSTEM IS PRESENT AND OPERATIONAL.

13 B. THE STANDARDS AND SPECIFICATIONS ADOPTED PURSUANT TO SUBSECTION A
14 OF THIS SECTION SHALL INCLUDE BOTH OF THE FOLLOWING:

15 1. AT LEAST TWO SIGNS SHALL BE PLACED IN A LOCATION BEFORE A PHOTO
16 ENFORCEMENT SYSTEM. ONE SIGN SHALL BE IN A LOCATION THAT IS APPROXIMATELY
17 THREE HUNDRED FEET BEFORE THE PHOTO ENFORCEMENT SYSTEM. PLACEMENT OF
18 ADDITIONAL SIGNS SHALL BE MORE THAN THREE HUNDRED FEET BEFORE A PHOTO
19 ENFORCEMENT SYSTEM TO PROVIDE REASONABLE NOTICE TO A PERSON THAT A PHOTO
20 ENFORCEMENT SYSTEM IS PRESENT AND OPERATIONAL.

21 2. SIGNS INDICATING A PHOTO ENFORCEMENT SYSTEM SHALL BE REMOVED OR
22 COVERED WHEN THE PHOTO ENFORCEMENT SYSTEM IS NO LONGER PRESENT OR NOT
23 OPERATING.

24 C. SIGNS ERECTED BY A LOCAL AUTHORITY OR AGENCY OF THIS STATE AS
25 PRESCRIBED IN THIS SECTION SHALL CONTAIN A YELLOW WARNING NOTICE AND
26 CORRELATE WITH AND AS FAR AS POSSIBLE CONFORM TO THE SYSTEM SET FORTH IN THE
27 MOST RECENT EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR
28 STREETS AND HIGHWAYS ADOPTED BY THE DIRECTOR PURSUANT TO SECTION 28-641.

29 D. IF THE STANDARDS AND SPECIFICATIONS PRESCRIBED PURSUANT TO THIS
30 SECTION ARE NOT IN EFFECT DURING THE OPERATION OF A PHOTO ENFORCEMENT SYSTEM,
31 THE COURT MAY DISMISS ANY CITATION ISSUED TO A PERSON WHO IS IDENTIFIED BY
32 THE USE OF THE PHOTO ENFORCEMENT SYSTEM.

33 E. DURING THE TIME A VEHICLE CONTAINING PHOTO ENFORCEMENT EQUIPMENT IS
34 BEING USED TO IDENTIFY VIOLATORS OF THIS ARTICLE AND ARTICLE 6 OF THIS
35 CHAPTER, THE REAR OF THE VEHICLE SHALL BE CLEARLY MARKED TO INDICATE THAT THE
36 VEHICLE IS FUNCTIONING AS A PHOTO ENFORCEMENT VEHICLE. THIS SUBSECTION DOES
37 NOT APPLY TO A VEHICLE THAT DOES NOT CONTAIN A PHOTO ENFORCEMENT SYSTEM AND
38 THAT IS USED BY A LAW ENFORCEMENT OFFICER.

39 F. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO A MOBILE PHOTO
40 ENFORCEMENT VEHICLE DURING THE TIME A MOBILE PHOTO ENFORCEMENT VEHICLE IS
41 DEPLOYED ON STREETS WITH A POSTED SPEED LIMIT OF FORTY MILES PER HOUR OR
42 LESS.

1 Sec. 4. Applicability

2 Section 28-654, Arizona Revised Statutes, as added by this act, does
3 not apply to a city that has been issued a permit by the department of
4 transportation to conduct a photo enforcement demonstration project and that
5 has posted signage and installed equipment prior to the effective date of
6 this act on a state highway as defined in section 28-101, Arizona Revised
7 Statutes.